

Openness and Confidentiality Policy

Introduction

OVHA recognises that as a public funded body it should be as open as possible about its actions, and accountable for its decisions, at the same time, recognising the duty to ensure that personal and other sensitive information is kept confidential, and in particular complies with the Data Protection Act 2018 (which protects the privacy of the individual against the misuse of personal data by organisations). These duties relate to dealings with Applicants, Tenants, Service Users, Staff, Board Members, Local and National Agencies and Authorities and all Commercial Contacts.

In formulating and implementing this policy, the Scottish Housing Regulator requirements have been incorporated where required. Open appointments are guaranteed by the Association's Rules and there is a Whistleblowing Policy in force to provide a mechanism for anyone with legitimate concerns about the standards of openness, probity and accountability, to come forward and speak up without fear of reprisal. It should be noted that all references to requirements for staff also apply to Board members (where applicable).

The Association has always made public its Annual Reports and various key policies are publically available. This Policy formalises the Association's commitment to openness, whilst balancing the competing requirement of confidentiality.

Openness

The Association's aim is to conduct its affairs openly and to make information publicly available unless there are justifiable reasons for withholding it. A variety of methods are used to achieve this aim which are subject to appropriate review in light of legislative changes and ongoing developments in technology etc.

Information will be made available in the following ways:

- Annual Report – this will include information on recent activities, performance and future plans of the Association. This will be circulated widely, in particular to all tenants and will be available on request to others
- Annual General Meeting – will be used as an opportunity to provide members and other attendees Board Minutes – will be available on our website. Any items in the Minute which are regarded as 'confidential' will be marked as such and will be redacted from the Public Minute.

Board reports will only be marked CONFIDENTIAL where they concern:

- Contemplated or actual legal proceedings
- Commercial negotiations or transactions
- Information relating to any individual (staff or public), private or public company

Leaflets – relevant information leaflets will be displayed in the public areas of our offices and will be made available on request.

Website – will provide on line access for those wishing to find out more information about the Association's services, activities, employment opportunities, future developments etc.

Newsletters – will be produced at least twice yearly and will include information on current activities, relevant and recent Board decisions, future plans and will also encourage comments and suggestions from tenants on the services provided.

Policies – all policies relevant to tenants and service users will be available on the website to download with a selection on display as hard copies within public areas of the office. Hard copies of any policy will also be made available on request.

Annual Accounts – these will be published on our website, displayed in a public area within the office and made available on request.

No charge will be made for copying documents. However, the time and cost of meeting such requests will be monitored and if necessary, a charging structure introduced to recover costs.

The requirements of the Data Protection Act will be upheld and a procedure for dealing with its requirements maintained.

Confidentiality

Confidentiality is a matter of good professional and personal conduct, in expression of the principle of respect that underlies all our work. It requires that staff, volunteers, and Board members do not pass on information to people who have no right to it.

During the course of work, staff, volunteers, and Board members will have access to facts and opinions about customers, members of staff and the Association. These must not be divulged, intentionally and great care must be taken to ensure that confidential information is not divulged unintentionally, to anyone who does not both need and have a right to know them.

Staff, volunteers, and Board members have

- a responsibility to ensure that any conversation about confidential matters takes place without being over-heard.
- a responsibility to ensure that confidential documents are kept secure from unauthorised access.

Confidentiality and Customers

The term customer is used to refer to anyone who receives, or applies to receive, services from the Association. Their right to privacy will be respected.

However, staff have a responsibility to inform other staff of any significant risks they are aware of that may be posed through contact with a customer. If possible, the customer's permission should be sought before passing on such information.

Where customers are receiving housing support or care services, the Association has a duty of care that may require information to be passed on to other staff or to external professionals or relatives who are involved with the customer. In such cases information about customers will be restricted to those who are involved with the customer and who need to know it.

Where appropriate, the customer's permission will be requested to disclose information, but in some circumstances their wishes may not be binding. As a matter of course, staff may discuss customers with managers, or colleagues where working as part of a team.

Confidentiality and Staff

Working relationships are based on trust and mutual respect. Staff, volunteers, and Board members will not talk about one another in ways that might damage this.

Supervision and Appraisal sessions will remain confidential; any breach will be treated most seriously and may result in disciplinary action.

The CEO along with the Corporate Support Manager will hold personal, salary and pension details relating to current and former staff. No other staff or Board member will have access to such details without the express permission of the staff member concerned or in exceptional circumstances in the case of disciplinary or compassionate matters where decisions are required at Board level.

Confidentiality and the Board

Personal details relating to Board members will be held by the CEO and the Corporate Support Manager and access to such information will be controlled by the CEO. No disclosure of Board members personal details, i.e. home phone numbers, will be made to any third party without the knowledge and consent of the individual involved.

Confidentiality and Tenants

The Association maintains comprehensive records in respect of its tenants and other customers, which are held on both paper and electronic files. The Association's staff are authorised to access only those files necessary to facilitate the delivery of an efficient and effective service within their area of operation. The CEO controls I.T. system access.

Information relating to individuals will only be discussed with that individual and no information will be released to third parties unless it is allowable under current data protection legislation or has been authorised by the individual concerned.

Where the Association's management team report individual tenant details to the Board all name and address references will be removed.

Under no circumstances will specific details relating to identified tenants be discussed unless the individual themselves wishes it to be the case.

Staff and Board should not discuss or otherwise reveal any information relating to individual tenants and other customers with third parties at any time. In the case of Board members receiving enquiries from tenants and other customers, the individual should be advised to contact a staff member rather than dealing with the enquiry themselves.

Confidentiality and OVHA

The Association staff will not speak to the media (press, radio, TV) about the Association, its interests, staff, or customers without prior authorisation from the CEO in the absence of the CEO the Deputy CEO should be consulted.

Formal processes including staff recruitment, appraisal, grievance, and disciplinary action will be treated as confidential, and will not be discussed with anyone within or out with the Association other than appropriate staff.

All staff, volunteers and Board Members will maintain confidentiality, as outlined above, at all times. Failure to do so, by deed or omission, may, amongst other things, damage customers' interests, staff

morale, professional relationships, and the Association's reputation. It may be considered as gross misconduct and could result in dismissal or removal, depending on the circumstances.

Policy Review

The Policy will be reviewed every five years, or sooner in line with changes in Best Practice.

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Next Review Date: March 3031